TEXAS TRANSPORTATION COMMISSION

EL PASO County MINUTE ORDER Page 1 of 1

EL PASO District

In the City of El Paso, El Paso County, on Loop 375 Border Highway West, the State of Texas (state) acquired certain land for highway purposes by instruments recorded in Clerk's File Numbers 20140053431 and 20140065861 of the Real Property Records of El Paso County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The Texas Department of Transportation and BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) (BNSF) have entered into a Formal Agreement (exchange agreement) dated August 29, 2014.

In accordance with the executed exchange agreement, certain parcels of land (parcels) needed for a state highway purpose will be conveyed to the state by BNSF; and a certain tract of land not needed for a state highway purpose, described in Exhibit A (tract) attached hereto, will be conveyed to BNSF by the state for which BNSF will pay the state, as partial consideration, the sum of \$27.581.00.

It is the opinion of the commission that it is proper and correct that the state conveys the tract to BNSF in exchange for the parcels and other consideration.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) in exchange and as partial consideration for the parcels to be conveyed by BNSF to the state.

Submitted and reviewed by:

Director, Right of Way Division

Recommended by:

Executive Director

116082 August 31, 2021

Minute Date Number Passed

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DESCRIPTION FOR TRACT 24

Part 1 - 0.073 acre (3,166 square feet)

DESCRIPTION OF A 0.073 ACRE (3,166 SQUARE FEET) PARCEL OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF TRACT 1, A CALLED 0.338 OF AN ACRE TRACT DESCRIBED IN EXCHANGE DEED TO THE RESCUE MISSION OF EL PASO RECORDED IN VOLUME 1697, PAGE 471 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS (D.R.E.P.C.T.), SAM E BEING A PORTION OF PARCEL 16 PART 1 AS SHOWN ON A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) STRIP MAP CSJ# 2552-04-041 AND DATED 11-04-2014, SAID 0.073 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60d nail found at the southeast corner of a tract of land as described in a deed to The Rescue Mission of El Paso and recorded in Volume 1616, Page 1666, D.R.E.P.C.TX., also being in the existing north right-of-way line of Ruhlen Court (a 25' right-of-way) according to the Globe Addition, (formerly Lot 19 of Old Fort Bliss) an addition to the City of El Paso, Texas as recorded in Book 11, Page 47 of the Plat Records of El Paso County, Texas (P.R.E.P.C.T.), same being Parcel 20 Part 2 as shown on said strip map;

THENCE S 75°54'00" W, with the existing north right-of-way line of said Ruhlen Court, same being the south line of said The Rescue Mission of El Paso tract and said Tract 1, a distance of 209.85 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 299.48 feet right of Loop 375 Border Highway West (Loop 375) Engineer's Centerline Station (E.C.S.) 369+95.07, said point being on the proposed west right-of-way line of Loop 375;

THENCE S 75°54'00" W, continuing with the existing north right-of-way line of Ruhlen Court, the south line of said Tract 1 and the proposed west right-of-way line of Loop 375, a distance of 2.97 feet to a Mag-Nail® found 302.32 feet right of E.C.S. 369+94.20 for the **POINT OF BEGINNING**, having surface coordinates of N=10,661,543.31 and E=378,098.70;

- 1) **THENCE** S 75°54'00" W, continuing with the existing north right-of-way line of Ruhlen Court and the south line of said Tract 1, departing the proposed west right-of-way line of Loop 375, a distance of 7.63 feet to a Mag-Nail[®] found 309.62 feet right of E.C.S. 369+91.97, for the southwest corner of said The Rescue Mission of El Paso tract, said point being on the east line of BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) (no deed record found), same being the existing west right-of-way line of Loop 375;
- 2) **THENCE** N 18°46'57" W, with the west line of said Tract 1, same being the east line of said BNSF Railway right-of-way and the existing right-of-way line of Loop 375, a distance of 746.84 feet to a Mag-Nail® found 152.33 feet right of E.C.S. 362+66.03, same being the northwest corner of said Tract 1.
- 3) **THENCE** N 75°13'03" E, departing the existing west right-of-way line of Loop 375, with the north line of said Tract 1, a distance of 4.22 feet to a 1/2-inch iron rod with cap stamped "HALFF" found 148.25 feet right of E.C.S. 362+67.07, same being on the proposed west right-of-way line of Loop 375, same being the beginning of this proposed Access Denial Line (A.D.L.);

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THENCE, over and across said Tract 1, with the proposed west right-of-way line of Loop 375 and the proposed A.D.L., the following five (5) courses and distances numbered 4 through 8:

- 4) S 18°34'48" E, a distance of 380.51 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 229.05 feet right of E.C.S. 366+34.90,
- 5) S 18°36'40" E, a distance of 23.09 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 234.03 feet right of E.C.S. 366+57.44, and the beginning of a curve,
- 6) Being a curve to the left, having a radius of 5,696.65 feet, through a central angle of 02°05'47", an arc length of 208.44 feet and a chord that bears S 19°39'33" E, a distance of 208.43 feet to a MagNail® found 275.19 feet right of E.C.S. 368+61.77,
- 7) S 20°42'27" E, a distance of 38.75 feet to a MagNail® found 282.14 feet right of E.C.S. 368+99.88, and
- 8) S 18°58'25" E, a distance of 96.45 feet to the **POINT OF BEGINNING, and** the end of this proposed A.D.L., and containing 0.073 of an acre (3,166 square feet) of land, more or less.

Part 2 - 0.007 acre (291 square feet)

DESCRIPTION OF A 0.007 ACRE (291 SQUARE FEET) PARCEL OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF THE RIGHT-OF-WAY OF SAID RUHLEN COURT, SAME BEING PARCEL 20 PART 2 AS CONVEYED TO THE STATE OF TEXAS AND SHOWN ON TXDOT STRIP MAP CSJ# 2552-04-041, SAID 0.007 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60d nail found at the southeast corner of said The Rescue Mission of El Paso tract, also being in the existing north right-of-way line of said Ruhlen Court, same being the north line of said Parcel 20 Part 2;

THENCE S 75°54'00" W, with the south line of said The Rescue Mission of El Paso tract, said Tract 1 and the existing north right-of-way line of said Ruhlen Court, a distance of 209.85 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 299.48 feet right of Loop 375 Border Highway West (Loop 375) Engineer's Centerline Station (E.C.S.) 369+95.07, for the **POINT OF BEGINNING**, having surface coordinates of N = 10,661,544.04 and E = 378,101.58, said point being on the proposed west right-of-way line of Loop 375, same being beginning of this proposed Access Denial Line (A.D.L.);

- 1) **THENCE** S 20°43'31" E, over and across said Ruhlen Court, with the proposed west right-of-way line of Loop 375 and this A.D.L., a distance of 25.67 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 304.08 feet right of E.C.S. 370+20.32, said point being on the existing south right-of-way line of said Ruhlen Court, same being on the north line of a called 2.2332 acre tract of land, Parcel 16 Part 2, as conveyed to the State of Texas and recorded in Document Number 20140053431 of the Official Public Records of El Paso County, Texas (O.P.R.E.P.C.TX.), said point being the end of this A.D.L.;
- 2) **THENCE** S 75°54'00" W, departing the proposed west right-of-way line of Loop 375, with the existing south right-of-way line of said Ruhlen Court, same being the north line of said 2.2332 acre tract, a distance of 12.21 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 315.76 feet right of E.C.S. 370+16.76, said point being the northwest corner of said 2.2332 acre tract, same being on the east line of BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) (no deed record found);

- 3) **THENCE** N 17°07'53" W, over and across said Ruhlen Court, with the east line of BNSF tract and the existing west right-of-way line of said Loop 375, a distance of 25.54 feet to a Mag-Nail[®] found 309.62 feet right of E.C.S. 369+91.97, said point being the southwest corner of Tract 1, a called 0.338 of an acre tract described in exchange deed to The Rescue Mission of El Paso recorded in volume 1697, page 471, D.R.E.P.C.T., same being on the existing north right-of-way line of said Ruhlen Court;
- 4) **THENCE** N 75°54'00" E, with the north right-of-way line of said Ruhlen Court and the south line of said Tract 1, a distance of 7.63 feet to a Mag-Nail® found 302.32 feet right of E.C.S. 369+94.20, said point being on the proposed west right-of-way line of Loop 375 and the beginning of this A.D.L.;
- 5) **THENCE** N 75°54′00" E, continuing with the north right-of-way line of said Ruhlen Court and the south line of said Tract 1, a distance of 2.97 feet to the **POINT OF BEGINNING** and containing 0.007 of an acre (291 square feet) of land, more or less.

Part 3 - 0.061 acre (2,672 square feet)

DESCRIPTION OF A 0.061 ACRE (2,672 SQUARE FEET) PARCEL OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF PARCEL 16 PART 2, A CALLED 2.2332 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS AND RECORDED IN DOCUMENT NUMBER 20140053431 OF THE O.P.R.E.P.C.TX., AND BEING PART OF PARCEL 19, A CALLED 1.5110 ACRE TRACT OF LAND AS CONVEYED TO THE STATE OF TEXAS AND RECORDED IN DOCUMENT NUMBER 20140065861, O.P.R.E.P.C.TX., SAID 0.061 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60d nail found at the southeast corner of said The Rescue Mission of El Paso tract, also being in the existing north right-of-way line of said Ruhlen Court;

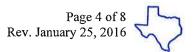
THENCE S 75°54'00" W, with the existing north right-of-way line of said Ruhlen Court, same being the south line of said The Rescue Mission of El Paso tract and said Tract 1, a distance of 209.85 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 299.48 feet right of Loop 375 Border Highway West (Loop 375) Engineer's Centerline Station (E.C.S.) 369+95.07, said point being on the proposed west right-of-way line of Loop 375;

THENCE S 20°43'31" E, over and across said Ruhlen Court, with the proposed west right-of-way line of Loop 375, a distance of 25.67 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 304.08 feet right of E.C.S. 370+20.32, for the **POINT OF BEGINNING**, having surface coordinates of N = 10,661,520.02 and E = 378,110.66, said point being on the existing south right-of-way line of said Ruhlen Court, same being on the north line of said Parcel 16 Part 2, said point being the beginning of this proposed A.D.L.;

THENCE, over and across said Parcel 16 Part 2 and said Parcel 19 with the proposed west right-of-way line of Loop 375 and the proposed A.D.L., the following four (4) courses and distances numbered 1 through 4:

- 1) S 20°43'31" E, a distance of 111.40 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 324.05 feet right of E.C.S. 371+29.91,
- 2) S 20°47'00" E, a distance of 23.08 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 328.16 feet right of E.C.S. 371+52.62, and the beginning of a curve,
- 3) Being a curve to the left, an arc distance of 489.71 feet, through a central angle of 09°14'35", having a radius of 3,035.63 feet, and a chord that bears S 25°24'17" E, a distance of 489.18 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 376.33 feet right of E.C.S. 376+42.65, for the beginning of a curve,

Exhibit A



- 4) Being a curve to the left, an arc distance of 300.15 feet, through a central angle of 06°54'48", having a radius of 2,487.58 feet, and a chord that bears S 33°28'58" E, a distance of 299.97 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 363.54 feet right of E.C.S. 379+39.13, said point being on the north line of Tract 23 Part 2 (conveyed to BNSF) as described in a Formal Agreement between Texas Department of Transportation and Union Pacific Railroad Company Concerning Rail Line Relocation (internal document number DEC-1780133-7, unrecorded), dated August 22, 2014, and the end of this proposed A.D.L.;
- 5) **THENCE** N 85°32'52" W, with the south line of said Parcel 19, same being the northerly line of said Tract 23 Part 2 and the existing west right-of-way line of Loop 375, a distance of 4.98 feet to a 5/8-inch iron rod with cap stamped "SAM, INC" set 367.59 feet right of E.C.S. 379+36.23, said point being the southwest corner of said Parcel 19 and on the east line of BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) (no deed record found), said point being the beginning of a curve;
- 6) **THENCE**, with the west line of said Parcel 19 and the east line of said BNSF Railway Company tract, same being the existing west right-of-way line of Loop 375, being a curve to the right, an arc distance of 294.51 feet, through a central angle of 05°59'02", having a radius of 2,819.93 feet, and a chord that bears N 33°10'24" W, a distance of 294.38 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 378.50 feet right of E.C.S. 376+42.06 for the northwest corner of said Parcel 19, same being the southwest corner of said Parcel 16 Part 2, and the beginning of a curve;
- 7) **THENCE**, with the west line of said Parcel 16 Part 2, same being the east line of said BNSF Railway Company tract and the existing west right-of-way line of Loop 375, being a curve to the right, an arc distance of 444.83 feet, through a central angle of 09°02'18", having a radius of 2,819.93 feet, and a chord that bears N 25°39'44" W, a distance of 444.37 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 336.78 feet right of E.C.S. 371+99.65;
- 8) **THENCE** N 24°29'37" W, continuing along the west line of Parcel 16 Part 2, same being the east line of said BNSF Railway Company tract and the existing west right-of-way line of Loop 375, a distance of 184.09 feet to a 5/8-inch iron rod with a cap stamped "SAM, INC" set 315.76 feet right of E.C.S. 370+16.76, said point being on the south right-of-way line of said Ruhlen Court, same being the northwest corner of said Parcel 16 Part 2;

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9) **THENCE** N 75°54'00" E, with the existing south right-of-way line of said Ruhlen Court and the north line of said Parcel 16 Part 2, a distance of 12.21 feet to the **POINT OF BEGINNING** and containing 0.061 of an acre (2,672 square feet) of land, more or less.

Part 1 0.073 acre (3,166 square feet)
Part 2 0.007 acre (291 square feet)
Part 3 0.061 acre (2,672 square feet)
Total = 0.141 acre (6,129 square feet)

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83. All distances shown hereon are adjusted to the surface using a combined scale factor of 1.000231

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS	§	

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 25th day of January, 2016.

SURVEYING AND MAPPING, Inc. 4801 Southwest Parkway Parkway Two, Suite 100 Austin, Texas 78735

William Reed Herring Registered Professional Land Surveyor

No. 6355-State of Texas

